#### SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	July 28, 2016, 10:30 p.m.
Date/Time of COPA Notification:	July 28, 2016, 1:43 p.m.
Accused Officer #1:	Date of Appointment: 1995; Police Officer, Unit of Assignment: DOB: 1965, Male White
Involved Individual #1:	DOB 1982, Female Black
Case Type: Excessive force	

#### I. ALLEGATIONS

Officer	Allegation	Finding
Officer	1. It is alleged that while inside the 015 <sup>th</sup> District lock-up, the accused used excessive force when he pushed the victim, on the upper body.	Unfounded

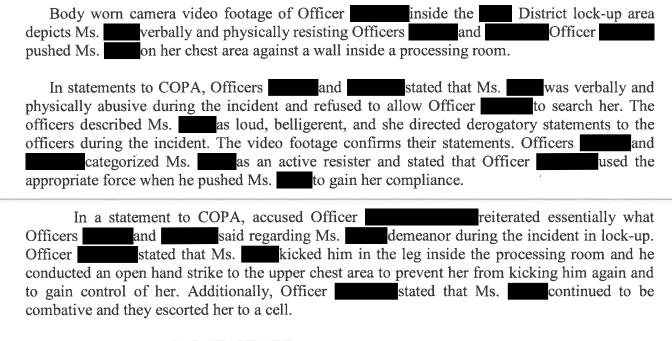
#### II. SUMMARY OF EVIDENCE<sup>2</sup>

On July 28, 2016, at approximately 10:15 a.m., the complainant,	was arrested
at for battery to her mother. Upon arrival at the	District lockup-
up, Ms. refused to be searched and became verbally abusive toward Office	er
# Officer partner, was recording	
his body worn camera. Officer requested additional officers to the lock-up a	area and Officer
was one of the officers that responded. Officers and	gave Ms.
numerous verbal commands to stop resisting but she refused. Ms.	an to pull away
from the officers and kicked Officer in his leg. In response, Officer	performed
an open hand strike to Ms. to gain compliance. Ms. did not complain	of any injuries
but was nonetheless transported to Loretto Hospital for precautionary measures.	

COPA reviewed all relevant reports including; the arrest report, original incident case report, supplementary report, tactical response report (TRR), officer battery report, and OEMC event query. Additionally, COPA attempted to interview Ms.

<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>&</sup>lt;sup>2</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.



#### II. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See Avery v. State Farm Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id. at ¶28.

## CIVILIAN OFFICE OF POLICE ACCOUNTABILITY III. ANALYSIS AND CONCLUSION

LOG#1081633

Allegation #1 against Officer	is <b>Unfounded</b> .
officers and refusing to allow Officers denied using excessive kicked him in the leg. Officers and corr force on Ms. Officers resister. G03-02-01 authorizes an resister to increase control by disc is what Officer did in the that it is more likely than not the assailant. Therefore, COPA finds	Deficer from searching her inside the lock-up. Throughout derogatory remarks toward the officers and refused all verbal responded to the lock-up to assist Officer officer against Ms. In and stated that he pushed her after Ms. It is case. However, the preponderance of the evidence establishes at Ms. In the lock-up to assist Officer o
Approved:	
	6-21-19
Angela Hearts-Glass Deputy Chief Administrator	Date

<sup>&</sup>lt;sup>3</sup> G03-02-01 authorizes an officer to utilize forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures against an assailant. These techniques can be combined with take-downs or pins against the ground or other objects.

### LOG#1081633

# CIVILIAN OFFICE OF POLICE ACCOUNTABILITY Appendix A

Assigned Investigative Staff

Squad#:

**Major Case Specialist:** 

**Supervising Investigator:** 

**Deputy Chief Administrator:** 

Angela Hearts-Glass